

ALFRED E. DONOHUE, WSBA No. 32774  
GABRIELLA WAGNER, WSBA No. 42898  
WILSON SMITH COCHRAN DICKERSON  
901 Fifth Avenue, Suite 1700  
Seattle, WA 98164  
Phone: 206-623-4100  
Facsimile: 206-623-9273  
Email: donohue@wscd.com  
Email: wagner@wscd.com

THE HONORABLE STANLEY A. BASTIAN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

LUCAS M. CHANEY, individually, and  
as guardian ad litem for TC, a minor,  
and KATHLEEN CHANEY,

Plaintiffs,

vs.

AUTO TRACKERS AND RECOVERY  
NORTH LLC, PATRICK K. WILLIS  
COMPANY, INC., and SANTANDER  
CONSUMER USA INC.,

Defendants.

No. 2:19-CV-00272-SAB

DEFENDANTS AUTO TRACKERS &  
RECOVERY, LLC'S ANSWER TO  
DEFENDANT PATRICK K. WILLIS  
COMPANY, INC. AND  
SANTANDER CONSUMER USA  
INC.'S CROSS-CLAIM

In answer to the Cross-Claim jointly asserted by Defendant Patrick K. Willis Company, Inc. and Santander Consumer Company Inc., ("PK Willis/Santander"), Defendant Auto Trackers and Recovery North, LLC, ("Auto Trackers"), admits, denies, and alleges as follows:

## **I. PARTIES**

1.1 Auto Trackers lacks sufficient information to admit or deny the allegations in Paragraph 1.1 and therefor denies them.

1.2 Auto Trackers admits it is an Idaho limited liability company located in Hayden, Idaho and does business in Spokane County, Washington.

## **II. JURISDICTION**

2.1 Auto Trackers admits jurisdiction is proper. Any remaining allegations are denied for lack of information sufficient to form a belief as to the truth thereof.

2.2 Auto Trackers admits this Court has personal jurisdiction over Auto Trackers. Any remaining allegations are denied for lack of information sufficient to form a belief as to the truth thereof.

2.3 Auto Trackers admits venue is proper. Any remaining allegations are denied for lack of information sufficient to form a belief as to the truth thereof.

## **III. FACTS**

3.1 Paragraph 3.1 does not contain allegations requiring a response. To the extent a response is required, Auto Trackers incorporates its responses to all preceding paragraphs by reference as if fully set forth herein.

3.2 Auto Trackers admits that on or about May 21, 2014, PK Willis and Auto Trackers entered into a Master Services Agreement.

3.3 Auto Trackers admits the Agreement speaks for itself. To the extent paragraph 3.3 mischaracterizes, misrepresents, or misquotes the terms of that Agreement, those allegations are denied. All remaining allegations, if any, are denied for lack of information sufficient to form a belief as to the truth thereof.



1           3.4 Auto Trackers admits the Agreement speaks for itself. To the extent  
2 paragraph 3.4 mischaracterizes, misrepresents, or misquotes the terms of that  
3 Agreement, those allegations are denied. All remaining allegations, if any, are  
4 denied for lack of information sufficient to form a belief as to the truth thereof.

5           3.5 Auto Trackers admits the Agreement speaks for itself. To the extent  
6 paragraph 3.5 mischaracterizes, misrepresents, or misquotes the terms of that  
7 Agreement, those allegations are denied. All remaining allegations, if any, are  
8 denied for lack of information sufficient to form a belief as to the truth thereof.

9           3.6 Auto Trackers lacks sufficient information to admit or deny the  
10 allegations in Paragraph 3.6 and therefor denies the same.

11           3.7 Auto Trackers admits it was hired by PK Willis to repossess a 2009  
12 BMW X5 from Lucas M. Chaney. Any remaining allegations contained in  
13 paragraph 3.7 are denied for lack of information sufficient to form a belief as to  
14 the same.

15           3.8 Auto Trackers admits that Lucas Chaney, Kathleen Chaney, and  
16 their minor child have filed a Complaint in this matter. That document speaks  
17 for itself. Any remaining allegations contained in paragraph 3.8 are denied.

18           3.9 Auto Trackers admits that PK Willis has issued written  
19 communication concerning defense and indemnity of the lawsuit. That  
20 documentation speaks for itself. Any remaining allegations contained in  
21 paragraph 3.9 are denied.

22           3.10 Auto Trackers denies the allegations in paragraph 3.10.

23           3.11 Auto Trackers denies the allegations in paragraph 3.11.

24           3.12 Auto Trackers lacks sufficient information to admit or deny the  
25 allegations in Paragraph 3.12 and therefor denies them. By way of further  
26



1 answer, Auto Trackers denies that it has engaged in any act or omission that has  
2 caused damage to PK Willis.

#### 3 **IV. CAUSES OF ACTION**

##### 4 **First Cause of Action: Declaratory Judgment**

5 4.1 Paragraph 4.1 does not contain allegations requiring a response. To  
6 the extent a response is required, Auto Trackers incorporates its responses to all  
7 preceding paragraphs as if fully set forth herein.

8 4.2 Auto Trackers denies the allegations in paragraph 4.2.

9 4.3 Auto Trackers denies the allegations in paragraph 4.3.

10 4.4 Auto Trackers is without sufficient information to form a belief as  
11 to the truth of the allegations in paragraph 4.4 and therefore denies the same.

12 4.5 Paragraph 4.5 consists of a legal conclusion to which no response is  
13 required. To the extent that paragraph 4.5 consists of any allegations of fact  
14 pertaining to Auto Trackers, it denies those allegations.

15 4.6 Paragraph 4.6 consists of a legal conclusion to which no response is  
16 required. To the extent that paragraph 4.6 consists of any allegations of fact  
17 pertaining to Auto Trackers, it denies those allegations.

##### 18 **Second Cause of Action: Breaches of Contract**

19 4.7 Paragraph 4.7 does not contain allegations requiring a response. To  
20 the extent a response is required, Auto Trackers incorporates its responses to all  
21 preceding paragraphs as if fully set forth herein.

22 4.8 Auto Trackers admits it entered in an Agreement with PK Willis.  
23 That agreement speaks for itself and to the extent paragraph 4.8  
24 mischaracterizes, misrepresents, or misquotes the terms of that Agreement, those  
25 allegations are denied. All remaining allegations, if any, are denied for lack of  
26 information sufficient to form a belief as to the truth thereof.



1       **Third Affirmative Defense:** In accordance with RCW 4.22 et. seq.,  
2 damages are to be apportioned according to the relative fault of all parties and  
3 non-parties.

4       Auto Trackers reserves the right to amend this answer by way of  
5 additional affirmative defenses, counterclaims, cross-claims, or by instituting  
6 third-party actions as additional facts are obtained through further investigation  
7 and discovery.

8                               **PRAYER FOR RELIEF**

9       WHEREFORE, Auto Trackers prays for judgment:

- 10       1. Dismissing PK Willis/Santander's cross-claim against Auto  
11 Trackers with prejudice and without costs;  
12       2. For Auto Trackers' attorney's fees and costs;  
13       3. For such other and further relief as the Court deems just and  
14 equitable.

15       DATED this 23<sup>rd</sup> day of October, 2019.

16                                               By s/Alfred E. Donohue  
17                                               s/Gabriella Wagner

18                                               Alfred E. Donohue, WSBA #32774

19                                               Gabriella Wagner, WSBA #42898

20                                               Wilson Smith Cochran Dickerson

21                                               901 Fifth Avenue, Suite 1700

22                                               Seattle, WA 98164

23                                               Phone: (206) 985-2927

24                                               Fax: (206) 623-9273

25                                               Email: donohue@wscd.com;

26                                               wagner@wscd.com

                                              Of Attorneys for Defendant Auto  
Trackers & Recovery North, LLC



**DECLARATION OF SERVICE**

I hereby certify that this 23<sup>rd</sup> day of October, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

**DATED** this 23<sup>rd</sup> day of October, 2019, at Seattle, Washington.

*s/Becky Phares*

Becky Phares

